

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0403

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

SHAWN DAVID STRONG,

Defendant and Appellant.

FILED

NOV 24 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, Chief Appellate Defender, and respectfully requests an extension of time until January 4, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 24th day of November, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: *Joslyn Hunt*
JOSLYN HUNT
Chief Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office as Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I have assigned Jennifer Hurley, Legal Intern, to assist me with the above-entitled matter, under my supervision.

3. The Appellant's opening brief currently is due on December 4, 2009. This is Appellant's second request for an extension.

4. In addition to this matter, Ms. Hurley is assisting me with multiple appeals with deadlines for opening briefs in December, including *State v. McClelland*, DA 09-0518; *State v. Montgomery*, DA 09-0568, 09-0574; *State v. Sotomayor*, DA 09-0391; *State v. Johnston*, DA 09-0352; *State v. O'Hara*, DA 09-0278; and *State v. Mischel*, DA 09-0499.

5. In light of our current workload, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely manner. Counsel will work diligently to complete the matter in the time requested.

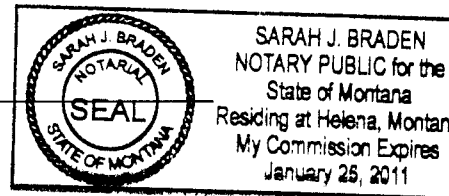
6. Opposing counsel has been contacted concerning this motion and does not object.

7. Further your affiant sayeth naught.

Joslyn Hunt
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 22nd day of November,
2009.

Sarah J. Braden
Sarah J. Braden



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

ALBERT R. BATTERMAN
Special Deputy Prairie County Attorney
P.O. Box 564
Terry, MT 59349-0564

SHAWN DAVID STRONG 2106818
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: November 24, 2009 [Signature]